

## **CHAPTER SEVEN: NATURAL, CULTURAL, HISTORIC, SCENIC, ENERGY, AND GROUNDWATER RESOURCES ELEMENT**

### **7.1 OVERVIEW**

This Plan element addresses natural, cultural, historic, scenic, energy, and groundwater resources within the context of Statewide Planning Goal 5. Statewide Planning Goal 5, Open Spaces, Scenic Resources and Historic Area, and Natural Resources, provides a mechanism for local governments to plan for resources. Procedures to comply with this goal are specified in Oregon Revised Statutes (ORS 660-23-000 through 660-23-250.) The procedures include a three-part process:

- 1) Inventory the resource,
- 2) Analyze the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit or prohibit a conflicting use, and
- 3) Adopt a program to implement the decisions made through the ESEE analysis.

An alternative process is also provided for some resources: the Safe Harbor alternative. In this alternative, local governments are given the option to adopt inventories based on information gathered by other agencies, or to adopt standardized programs to implement protection of the resource, thereby eliminating the need to complete the ESEE analysis.

Volume III of the Comprehensive Plan, Statewide Planning Goal 5 Resource Inventory Documents, provides the information necessary to satisfy the inventory requirements of this goal. This information includes quantity, quality and location data on specific resources. Additionally, the inventoried resources are mapped or listed, and a determination of significance of the individual resource sites is provided in map or list form.

The text that follows addresses the third requirement in the Goal 5 process. Where possible, the program decision has been to follow the Safe Harbor regulations of the goal; therefore, an ESEE analysis is not necessary. Where necessary, the ESEE analysis is included in Volume III.

The resource protection goals, policies and actions that follow in this section are divided into Statewide Planning Goal 5 resource categories, to match each City inventory. Each category provides the foundation for the regulations and programs designed to protect, enhance or restore these resources, and to further demonstrate compliance with Statewide Planning Goal 5.

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, identified regionally significant wildlife habitat and riparian corridors. These areas were divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C. Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an ESEE analysis and developed a program to protect, conserve and restore Class I and II riparian corridors, Class I and II wildlife habitat, and Class A upland wildlife habitat (termed Habitat Benefit Areas) as a voluntary program. Each local government, through the Tualatin Basin Partnership, agreed to “allow and encourage” habitat friendly development practices to comply with the intergovernmental agreement that the partners have with

Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas low impact development techniques are proposed, in some cases, throughout the city. The program, applies only to Habitat Benefit Areas, is implemented through the Beaverton Development Code, Engineering Design Manual and Municipal Code.

The protection of natural resources is necessary to preserve a healthy, sustainable environment in an urban setting. Protection of these resources today will ensure that as the community grows in density and expands its boundaries the natural landscape will be preserved for the health, safety and welfare of its citizens. Natural resources also provide aesthetic beauty. Their protection benefits property values and increases the livability of the City.

Beaverton is fortunate to have natural and historic resources that significantly add to the quality of life. These include streams, adjacent riparian areas, wetlands, large wooded tracts, open space, and historic sites and buildings. Under state planning goals, the citizens of Beaverton have the opportunity and obligation to protect these resources. While it is unreasonable to expect all of Beaverton's resource areas to remain unchanged, we must recognize that the presence of these areas contributes to our overall quality of life. The retention of these resources maintains visual and scenic diversity, provides areas for education and passive or active recreation, and can provide site development amenities for residents and employees alike. Thus, a balance between full protection of all inventoried resources and full development of the inventoried resources is provided in the following goals, policies and actions.

### ***7.1.1 Goal: Balance development rights with natural resource protection.***

#### **Policies:**

- a) Coordinate resource protection programs with affected local, state, and federal regulatory agencies, and notify them of development proposals within natural resource areas.

***Action 1:** Adopt land use processes to incorporate notification to appropriate agencies as part of the development review process.*

***Action 2:** Continue membership and activity within the Tualatin Basin Natural Resources Coordinating Committee.*

***Action 3:** Encourage the use of the habitat friendly development practices of low impact development techniques through the Pre-Application Conference.*

***Action 4:** Proactively lead the way with development of city buildings by using habitat friendly development practices and low impact development techniques.*

***Action 5:** Develop a comprehensive habitat benefit area plan for the Beaverton Downtown Regional Center to integrate Beaverton Creek into the Regional Center as an amenity.*

- b) Where adverse impacts to Significant Natural Resources cannot be practicably avoided, require mitigation of the same resource type commensurate with the impact, at a location as close as possible to the impacted resource site.

- c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width, location of bicycle, pedestrian and multi-use paths, etc.

***Action 1:** Adopt and apply land use regulations that allow and encourage habitat friendly and low impact development practices within habitat benefit areas, and where appropriate, throughout the city.*

***Action 2:** Adopt and apply a system to allow flexibility in applying the site development standards when development employs low impact development techniques and habitat friendly development practices.*

***Action 3:** Adopt and apply an incentive program to encourage the use of the low impact development techniques and habitat friendly development practices.*

- d) City policies or regulations shall not interfere with actions necessary for nuisance abatement or protecting the safety, health and welfare of Beaverton's citizens.
- e) Upon annexation of unincorporated properties with County Goal 5 natural resource designations, the City shall rely on the Urban Planning Area Agreement with Washington County to determine the appropriate City designation.

***Action 1:** The City shall work with Washington County to periodically update the UPAA to ensure compatibility in Goal 5 resource inventories, significance determination, and program decisions.*

## **7.2 CULTURAL AND HISTORIC RESOURCES**

Cultural and Historic Resources are our connection to the past. Cultural resources include areas characterized by evidence of an ethnic, religious, or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground, could be an important or significant cultural resource requiring review. There are no known significant or important cultural resources within the city limits.

Historic resources are lands with sites, structures, and objects that have local, regional, statewide, or national historical significance. A continued effort to protect and preserve these types of resources whenever possible will keep Beaverton from being "just another suburb."

In 1983, a county-wide inventory of cultural and historic resources was conducted by Washington County Museum. When the museum staff considered the resources within Beaverton, they realized that the city was so rich in historic resources that they, because of time and staffing restraints, would not be able to do a complete and detailed inventory. Beaverton, therefore, would need to proceed on its own.

At the recommendation of the Washington County Museum and the State Historic Preservation Office, Beaverton began its inventory with a detailed analysis of the buildings located on the original plat of Beaverton dated December 26, 1868 and the map of Steel's Addition to Beaverton. In August of 1984, the City nominated the "Downtown Beaverton Historic District" to the National Park Service National Register of Historic Places. The district, as described on the nomination form, is an irregular 2 X 3 block area bounded by SW Canyon Boulevard on the north, SW East Street and SW Washington Street on the east, SW Second Street on the south, and SW Watson Street on the west. This district includes buildings used for commercial, entertainment and private residences.

Within the boundaries of the Downtown Beaverton Historic District structures are classified based on building date, architectural style, materials, condition, alterations, building setback and use. Properties within the boundaries of the Historic District are classified into six categories: 1) Primary significant, 2) Secondary significant, 3) Historic non-contributing, 4) Compatible non-contributing, 5) Non-compatible non-contributing, and 6) vacant. The inventory contained in Volume III of this Comprehensive Plan provides more detailed information regarding the individual properties and their designations.

In 1986, the City further developed the inventory of historic resources and evaluated these resources with the assistance of a task force of local historians, architects, and interested citizens, following the process specified by Statewide Planning Goal 5. Each resource was reviewed to determine if any conflicting uses existed. If so, the economic, social, environmental, and energy consequences of protecting the resource, limiting the conflicting use, or allowing the conflicting use were evaluated. The City has adopted a complete inventory of the city's significant and important historic resources and created an Historic Resource Review Committee (HRRC) to review alterations or demolitions of these resources and to promote, through education, the appreciation of the city's numerous historic resources.

In 1995 a State Statutes were amended to require local governments to allow a property owner to refuse consent to any form of historic property designation at any point in the designation process. This refusal removes the property from consideration for historic property designation by the State Historic Preservation Office and local governments (ORS 197.772). Additionally, similar revisions were made to the Statewide Planning Goal 5 Historic Resources section of the Oregon Revised Statutes (ORS 660-23-200).

Beginning in 1998, a study was undertaken to update the City's Historic Resources Inventory based on guidelines established by OAR 660-23-0200. This work was completed, but has not been adopted. It is anticipated that adoption will occur after a new program for resource protection is defined, so that owners of properties listed in the inventory will be aware of the effects of a listing.

**7.2.1 Goal: Preserve, manage and encourage restoration of historic sites, structures, and objects designated as Significant Historic Landmarks, and protect the character of the Downtown Historic District as listed on the National Register of Historic Places.**

**Policies:**

- a) With the cooperation of property owners, protect enhance and perpetuate Significant Historic Landmarks and the Downtown Historic District representing or reflecting elements of the City's cultural, social, economic, political and architectural history.
- b) Consistent with State law, property owner permission shall be required before a historic or cultural resource may be listed in the City's Goal 5 inventory. Should a property owner request, in writing, removal of a historic or cultural resource from the inventory, the City shall honor that request as expeditiously as possible.

*Action 1: Adopt procedures to expedite removal of historic or cultural resource designation from properties where property owners request, in writing, said removal.*

- c) The Historic Resource Review Committee (HRRC) shall review alterations and demolitions to designated Significant Historic Landmarks as well as new construction in designated historic districts. They shall also comment on other issues pertaining to historic resources. This may include, but is not limited to, making recommendations regarding the designation of proposed Significant Historic Landmarks or Significant Historic Districts to the Planning Commission. The HRRC shall also be responsible for updating the City's significant historic resource inventory.

*Action 1: Adopt an update to the City's Historic Resources Inventory based on survey work done in 1998-1999, after a voluntary, incentive-based program to protect inventoried resources is defined.*

*Action 2: Define and designate local historic districts, and create and adopt architectural design guidelines for historic districts, along with other incentive based programs to preserve the integrity of Significant Historic structures, objects, or sites. Designate a historic district in the Old Town area in conjunction with the adoption of architectural design guidelines for the area to preserve its historic integrity.*

*Action 3: Establish information programs to assist property owners and residents in the recognition and appreciation of significant historic resources.*

*Action 4: Provide the opportunity for innovative design solutions to problems encountered in the adaptive reuse of historic buildings through development of a combination of incentive programs and design guidelines.*

*Action 5: Develop and adopt design criteria for new or redeveloped structures within a designated Historic District so as to preserve or enhance the integrity of the area.*

- d) To ensure that no historic resource is lost unnecessarily and that all avenues and possibilities for the retention of the building have been exhausted, before a resource is allowed to be demolished, the person requesting the demolition must establish that the building either cannot be moved because of a lack of structural integrity or cannot be sold to be moved to another site.
- e) Encourage citizen participation in historic preservation and related activities as a source of positive community identity.
- f) The City's historic resource protection regulations shall apply to all historic resources in the city on the National Register of Historic Places, regardless of whether these resources are listed in the local inventory.

### **7.3 NATURAL RESOURCES**

Natural Resources are classified and addressed in this section by Statewide Planning Goal 5 categories. Associated with these categories are detailed background data including inventory and assessment information that provided the findings to determine the significance of resources. Adopted inventories of significant natural resources are included in the maps and listings of Significant Natural Resources located in Volume III of the Comprehensive Plan. The inventory lists and maps were adopted over time, based on state regulations.

Statewide Planning Goal 5 continues to be revised and updated. Each periodic review updates the City's inventory, and at the same time applies the most current requirements to ensure continued protection of significant natural resources.

In 1984, an inventory of Beaverton's natural resources was done to determine their quality and quantity. The City adopted a map layer entitled: Significant and Important Natural Resources and Other Important Natural Resources. These areas were then evaluated as to the economic, social, and environmental consequences of protecting the natural resource or allowing conflicting uses. Areas shown on the map as Significant Natural Resources are generally wetlands or riparian-stream corridors that were considered important principally for their wildlife habitat values. Areas shown on the map as Important Natural Resources contained major stands of trees, drainage swales, and other natural vegetation that were determined to be primarily important for their aesthetic value, although many also provide wildlife habitat of some, although relatively less, importance.

The map at that time delineated, as clearly as possible, the appropriate boundaries of the Significant and Important Natural Resources. However, it is also necessary to rely on inventory, field investigation, and other factors conducted in conjunction with the review of a proposed site development to define more precise boundaries, such as the exact location of a riparian corridor boundary on a specific site.

In 1991 the City Board of Design Review adopted an additional significant tree inventory. Although this inventory was not conducted pursuant to Statewide Planning Goal 5, and was not adopted by the City Council, it did serve to further define trees and stands of trees of importance to the City

In 2000, a Local Wetland Inventory (LWI) was completed. The LWI is one of the City's Goal 5 resource inventories comprising Volume III of the Comprehensive Plan. The City employed the Goal 5 regulations by conducting the inventory reconnaissance using the Oregon Freshwater Assessment Methodology (OFWAM) to satisfy the quality and quantity requirements of the regulations. Significance was determined based on applying the LWI criteria, using the OFWAM findings. The LWI includes wetlands meeting state criteria for significance. A list of locally significant wetlands is found in Comprehensive Plan Volume III, Local Wetland Inventory Text, Appendix A Table 5.

Also in 2000, an Urban Riparian Assessment was completed following the procedures found within the Urban Riparian Inventory and Assessment Guide, developed by the Division of State Lands. This assessment was adopted, and included in Comprehensive Plan Volume III, Appendix C of the Local Wetland Inventory. It is intended to be used as a tool by planners to indicate that additional information on the location of the riparian area is required prior to development approval.

In 2000 the City also determined that certain streams are fish-bearing following the Goal 5 Safe Harbor requirements for Riparian Corridor inventories and determinations of significance. The significant fish bearing streams are identified on page 3 of Planning Commission Order No. 1318, enclosed in the opening pages of the Local Wetland Inventory.

Adequate riparian corridors are of particular importance for their positive effect on the adjacent water resource. They act as natural filters for pollutants, provide flood control benefits, and reduce erosion. Vegetation in riparian corridors provides shade and cover for both fish and other aquatic and upland wildlife species. The riparian corridors within the City are typically located within residential, commercial, and campus industrial areas. Generally the vegetation in these riparian areas has been removed, or altered substantially. As the City continues to grow and increases density, the remaining unaltered riparian corridors will be subject to development pressures. Removal of vegetation and the construction of structures within the riparian areas are the activities most likely to conflict with riparian functions and values. These conflicting uses can be managed through regulatory provisions that limit encroachment. Where encroachment is permitted, prescribed levels of mitigation and restoration can be required.

Although areas of significant wildlife habitat, as defined by the State Goal 5 Administrative Rule, have not been identified in the city, measures to protect significant riparian areas and wetlands also serve to protect fish and wildlife. Areas of fish and wildlife habitat are important to our community because they add to our overall quality of life by permitting observation and appreciation of our stewardship responsibilities in close proximity to our homes and workplaces. While these resources exist elsewhere in Oregon, they are important remnants of the natural environment close to our everyday activities.

In 2002, Metro released a Preliminary Draft Riparian Corridor and Wildlife Habitat Inventory for public review. In September 2003, Metro released a Discussion Draft of the Economic, Social, Environmental and Energy Analysis (ESEE). In 2004, Metro released the Phase II ESEE: Draft Analysis of Program Options. In August 2004, the Tualatin Basin Partners held a public hearing to review the draft program and the mapping. In March 2005, the Tualatin Basin Partners endorsed the staff report, exhibits, program report, and mapping. The package was submitted to Metro for

inclusion in their Council action on the overall Metro Nature in the Neighborhoods Program. Metro Council approved the program in September 2005. The Partners then began to draft two issue papers outlining the habitat friendly development practices and how they might apply in the Tualatin Basin and more specifically, within habitat benefit areas.

As codified in Metro’s Urban Growth Management Functional Plan (UGMFP), sections 3.07.1370 and 3.07.1320, the Metro Council designated as “Habitat Conservation Areas” regionally significant fish and wildlife habitat, which includes riparian Class I and II habitat within the Metro boundary and upland wildlife Class A and B habitat on land that is added to the Urban Growth Boundary after December 28, 2005.

### **7.3.1 SIGNIFICANT NATURAL RESOURCES**

<p><b><i>7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.</i></b></p>
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**Policies:**

- a) Inventoried natural resources shall be conserved, protected, enhanced or restored:
  - to retain the visual and scenic diversity of our community;
  - for their educational and recreational values;
  - to provide habitats for fish and wildlife in our urban area.
- b) Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.

*Action 1: Establish acquisition programs for Significant Goal 5 Resources; prepare and maintain a long-range list of priority resource locations for public acquisition.*

*Action 2: Facilitate and encourage habitat friendly development practices and low impact development through flexibility in site development standards and reduction in surface water management fees and systems development charges.*

- c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.
- d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

*Action 1: For properties located within significant natural resource areas, the City shall consider relaxation of its development standards where necessary to accomplish protection of riparian, wetland and significant upland habitat areas. Such standards include, but are not limited to, setbacks, building height, street width, location of bike paths, etc. Where the combination of riparian, wetlands, and other requirements would result in an unbuildable lot, such a situation may be relevant to a decision that may grant a hardship variance.*

**Action 2:** City Staff will provide pre-application conferences to developers of property to provide available information and to discuss alternative methods of development acceptable to meet the adopted policies and ordinance standards.

**Action 3:** Adopt and apply land use regulations that require integration of natural features with the overall design of developments. Natural features include, but are not limited to, wetlands and water areas, intermittent and perennial streams, riparian corridors, urban forests and significant individual or community trees, slopes, geologic hazards, flooding, and erosion prone soils.

**Action 4:** Adopt and apply land use regulations that will minimize impacts from adjacent uses. Development Code design criteria shall be adopted that address the following considerations:

- Land uses immediately adjacent to protected resource areas should be designed to physically separate human activity from the resource activity. Preferred development abutting the resource should be 1) buildings with entrances oriented away from the resource area, and then 2) roadways with limited or no street parking with 3) parking lots as the lowest preference.
- Garbage facilities and materials storage areas should be located away from habitat areas.
- Habitat areas should be preserved as a few large connected areas, rather than many disconnected small areas and should be designed to minimize the amount of habitat edge exposed to development areas.
- Existing native vegetation should be retained to provide wildlife habitat. Snags and dying trees should be left in protected wildlife areas for wildlife use.
- To minimize disturbances to wildlife, lights for buildings and parking areas should be screened, and the light should be directed away from the protected habitat areas,
- Walkways should not bisect wildlife areas. If walkways do encroach upon wildlife areas, security lighting should be designed to shine primarily on the path and avoid shining directly into habitat areas.

Regulations to address the above considerations shall not compromise public safety.

**Action 5:** Adopt and apply regulations for resource areas, mitigation sites, areas adjacent to natural areas, wetlands, and tree groves that include but are not limited to the following requirements:

- Require use of native vegetation in mitigation areas and riparian buffers. Seed-and fruit-producing native plants with aesthetic value should be incorporated into the landscaping at locations adjacent to wildlife habitat areas.
- Allow for buffer averaging in order to create opportunities for habitat protection and enhancement while accommodating urban forms of development.

- e) Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality.

*Action 1: During pre-application conferences for developers, City staff will attempt to identify any Federal, State, or local requirements and regulations affecting sites in Significant Natural Resource areas.*

*Action 2: The City will continue to monitor and review policies and regulations as necessary, to ensure consistency with Federal, State, and service providers' guidelines and regulations.*

- f) Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.
- g) Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and "best management practices" are employed.
- h) Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.

### **7.3.2 RIPARIAN CORRIDORS**

Significant Riparian Corridors are identified in Planning Commission Order No. 1318, located in the beginning of the Local Wetland Inventory within Volume III of the Comprehensive Plan. Properties listed as Significant Riparian Corridors must comply with the policies and actions set forth in Section 7.3.1 as well as those promulgated in this section.

***7.3.2.1 Goal: Promote a healthy environment and natural landscape in riparian corridors, and manage conflicting uses through education, and adoption and enforcement of regulations.***

#### **Policies:**

- a) Significant Riparian Corridors shall be protected for their fish and wildlife habitat values, and other values associated with the natural resource area. Development plans for these areas shall treat these components as assets and encroachment into the riparian corridor shall require enhancement, mitigation, or restoration.

*Action 1: Develop and implement a fish habitat protection program in compliance with Statewide Planning Goal 5.*

***Action 2:** Amend City regulations and development standards to ensure compliance with Clean Water Services Design and Construction Standards relating to development in or near water resource areas.*

***Action 3:** Work with other local governments in the Tualatin River Watershed to develop and implement a program to comply with the Federal Endangered Species Act (ESA) for Federally listed threatened or endangered species found within the watershed.*

- b) Streams, creeks, and other watercourses, including a number of small drainages not identified on the Significant Natural Resources inventory maps, can be significant amenities. The City should protect the natural resource values of these areas from damage or degradation caused intentionally or by neglect. The city should cooperate with and assist property owners in maintaining and upgrading these areas for their potential aesthetic, wildlife, or recreational value.

### **7.3.3 SIGNIFICANT WETLANDS**

The Local Wetland Inventory is part of the Statewide Planning Goal 5 Inventory Resource documents. Significant wetlands are found within Appendix A, Table 5 of the Local Wetland Inventory. The Significant Wetlands designation must comply with the policies and actions set forth in Section 7.3.1 as well as those promulgated in this section.

<p><i><b>7.3.3.1 Goal: Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory.</b></i></p>
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**Policies:**

- a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.
- b) Development within the buffer area adjacent to a significant wetland shall be subject to restrictions on building, grading, excavation, placement of fill, and native vegetation removal.

***Action 1:** Amend the City regulations and development standards as appropriate, to ensure compliance with Clean Water Services Design and Construction Standards provisions for encroachment.*

- c) Where development is constrained due to wetland protection regulations, a hardship variance may be granted if approval criteria are met.

***Action 1:** Amend the implementing ordinances as appropriate to ensure compliance with Clean Water Services Design and Construction Standards provisions for a hardship variance.*

### 7.3.4 WILDLIFE HABITAT

OAR 660-23-110 contains procedures and requirements for complying with Statewide Planning Goal 5 as it pertains to protection of wildlife habitat. The rule specifies that a local government must obtain any current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW) and other state and federal agencies. Under “safe harbor” criteria, OAR 660-23-110(4) says local governments may determine that “wildlife” does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

- (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species, or by the state of Oregon as a threatened, endangered or sensitive species;
- (b) The habitat has documented occurrences of more than incidental use by a species described under (a) above;
- (c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons;
- (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission; or
- (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern.

According to OAR 660-23-110(1)(a), “documented” means that an area is shown on a map published or issued by a state or federal agency, or by a professional with demonstrated expertise in habitat identification.

In 1999 the Planning Commission indicated that staff should use the “safe harbor” criteria to determine the presence of significant wildlife habitat in the city, based on documentation from ODFW and other appropriate agencies. Staff subsequently sent letters to ODFW and the United States Fish and Wildlife Service asking whether they had any documentation regarding the presence in the city of the types of habitat listed above. Both agencies responded with letters indicating that there was no documentation of such habitat in the city, although such habitat may be present. Based on these responses, it has been determined that there is no evidence available to demonstrate the presence of significant wildlife habitat, meeting State “safe harbor” criteria, in the city limits as of the year 2000.

Although there is presently no documented significant wildlife habitat in the city, wildlife habitat that does not meet State safe harbor significance criteria is certainly present. The presence of common wildlife species (e.g., squirrels, raccoons, beaver, various species of birds, etc.) in the city is a source of interest and entertainment for citizens and generally enriches our daily lives. In protecting significant natural resources in the city, such as wetlands, riparian corridors and scenic trees, habitat for these wildlife species can also be protected.

In the event documentation is provided to the City in the future of the presence in the city of wildlife habitat meeting the “safe harbor” criteria, it will be necessary to give further consideration to City programs for wildlife habitat protection.

**7.3.4.1 Goal: Protect wildlife habitat in the city in association with protecting significant natural resources.**

**Policies:**

- a) Limit impacts from development or human intrusion on sites likely to contain wildlife habitat through use of regulations adopted for protection of other natural resources, or by adopting new regulations if necessary.

*Action 1: Adopt development regulations that call for consideration of impacts of development on wildlife species likely to be present on development sites, and mitigation of such impacts to the extent practicable. These regulations should allow for flexibility in development standards to achieve wildlife habitat protection.*

*Action 2: Use existing or new development regulations to minimize impacts to areas identified by Metro as significant regional upland habitat within areas added to the Urban Growth Boundary after December 28, 2005.*

**7.4 SCENIC VIEWS AND SITES**

Significant Scenic Views and Sites are lands that are valued for their aesthetic appearance. Conserving the views of surrounding scenic features such as mountain ranges, Mount Hood, streams and wetlands, and forested areas, helps to maintain the quality of life and unique character of the City. Scenic sites in the city may include streams, wetlands, forested areas or single specimen trees identified on either public or private lands. Significant scenic sites may also have value as wildlife habitat while providing a link to other natural resources such as streams and wetlands as well as parks and other open space. Scenic sites can be viewed from surrounding residences, shopping or employment areas, public or semi-public open spaces such as parks, or from nearby or adjoining bicycle, pedestrian and multi-use pathways or streets. Conservation of both Significant Scenic Views and Sites adds to the livability and attractiveness of our community. That, in turn, helps to maintain property values, and provides an attractive backdrop for businesses located in the City.

The City of Beaverton has focused its efforts on identifying and conserving scenic sites, particularly forested areas and specimen trees, because these resources are considered to be most vulnerable to loss as a result of development. Other scenic sites, including streams and wetlands, are protected to some degree under federal, state and local regulations. For scenic sites to have any aesthetic value to the public, however, views of those sites must be conserved along with the sites.

At this point, the City has chosen to not to regulate conservation of scenic views of surrounding mountains, including Mount Hood, although such scenic views may be present in the city. However, where such views can be preserved for public enjoyment through voluntary, incentive-based measures, it will help to maintain the quality of life and unique character of the City.

**7.4.1 Goal: Conserve Significant Scenic Views and Sites, and the value they add to community.**

**Policies:**

- a) Help to preserve and enhance the City's character, beauty and livability through the identification and protection of significant scenic sites in the city and views of those sites.

**Action 1:** *Following the Goal 5 process:*

- *survey forested areas and specimen trees in the city, evaluating them using the criteria in Policy b) below, and adopt an inventory of scenic sites and views of those sites;*
- *identify land uses or development activities that might conflict with conservation of the inventoried scenic sites and views, as well as the impact area of the conflicting uses on each inventoried scenic site and view;*
- *consider the economic, social, environmental and energy (ESEE) consequences of allowing, limiting or prohibiting identified conflicting uses within each identified impact area; and*
- *devise and adopt a program to conserve the inventoried significant scenic sites and views . The program should make use of a variety of conservation tools including existing and new development regulations, acquisition of property or scenic easements, and public education efforts.*

- b) Significant Scenic Sites may include forested areas or a specimen tree and are determined to have two or more of the following characteristics:

- aesthetic value,
- uniqueness of tree size, shape, rarity of specie,
- proximity of forested area to wetlands or riparian areas,
- provides slope stability,
- absorption of rainfall (canopy effects to offset adjoining impervious surfaces ), and
- absorbs stormwater runoff.

All significant scenic sites must be visible from an existing or planned viewpoint that is safe and accessible to the general public.

- c) The City will balance the conservation of significant scenic resources with the need to allow urban uses and activities.
- d) Provide incentives for protection of Scenic Views of topographic features such as mountain ranges and individual peaks for public enjoyment.

**Action 1:** *Facilitate and encourage preservation of scenic views of topographic features through flexibility in site development standards and reduction in open space requirements, as appropriate.*

## 7.5 ENERGY

Energy is generated from resources such as natural gas, oil, coal, geothermal, uranium, flowing water, sunshine, wind, and municipal waste. The City lacks significant energy sources, as defined by OAR 660-23-019(a). The City's greatest influence over the protection of energy resources derives from efforts to reduce energy consumption

In the 1970s and early 1980s, the rising costs of fossil fuels resulted in government sponsored incentive programs to encourage research, development and feasible applications of renewable energy technologies such as solar and wind. To provide citizens with the opportunity to utilize solar technologies, Beaverton in conjunction with twenty-one other jurisdictions within the Portland-Vancouver Metropolitan area, participated in the development of a uniform solar access protection ordinance.

Current development programs lack incentives or public demand for the use of renewable energy resources, despite federal objectives to reduce energy consumption, continuing price increases for fossil fuels and increased concerns over the impacts of hydro and geothermal power, and nonrenewable energy resources.

Zoning regulations and transportation plans are currently structured to maximize energy savings. The City has higher density and mixed used districts to allow for living, working and shopping in close proximity, thereby reducing energy consumption for travel. Further, the City's transportation plan has mapped multi-modal transportation corridors for use by automobiles, pedestrians and bicycles. The Westside Light Rail was developed as part of a transportation network designed to reduce energy consumption and to improve air quality.

***7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.***

***7.5.2 Goal: Increased use of solar energy and other renewable energy resources in new development in the City.***

### **Policies:**

- a) Assist in the conservation of energy by promoting more efficient transportation modes and land use patterns.
- b) Encourage higher density development where appropriate.
- c) Continue to update applicable codes and regulations to promote energy conservation.
- d) Support educational programs on energy conservation and use of renewable energy resources through cooperation with other agencies and energy suppliers.
- e) Support energy programs that inform senior citizens and low income groups of available local, state, and federal winterization, and energy efficient programs.
- f) Support state and federal legislation that encourages energy saving design and building practices.
- g) The City should set an energy efficient example by using best management conservation practices in all of their facilities. Alternatives should be economically beneficial.
- h) The City shall retain and apply regulations requiring consideration of solar energy options in the development process.

## **7.6 GROUNDWATER RESOURCES**

Although most of the potable water used in the city is imported, at times of peak use water is drawn from aquifers via City wells. Some of this water is injected into aquifers in the winter when supplies exceed demand, and withdrawn during summer months. Contamination of these groundwater resources can occur through pollution emanating from surface sources.

### ***7.6.1 Goal: Protect groundwater in the City from contamination.***

#### **Policies:**

- a) Cooperate with other local water providers and neighboring jurisdictions in preventing pollution in areas around municipal and domestic wells so as to protect groundwater that is a source of potable water for the City from contamination.

*Action 1: Develop a groundwater wellhead protection program, in cooperation with local water districts and neighboring jurisdictions.*